

Docket No.: 122.1435

Serial No. 09/772,919

**REMARKS**

In accordance with the foregoing, the Title and specification have been amended to adopt the term "information apparatus(es)" in place of the original term of "terminal equipment(s)"; while the two are equivalent, the new term is believed more appropriate. The claims have likewise been amended to make that substitution.

The claims further have been amended to delete the "means for" type of recitations of the claims as filed and, further, to improve form.

No new matter is presented and, accordingly, approval and entry of the foregoing substitute Title, and specification and claim amendments.

**STATUS OF CLAIMS**

All of the original claims 1-17 are rejected.

Claims 1-17, as amended, remain pending and reconsideration of same is respectfully requested.

**PAGES 2-6: REJECTIONS OF CLAIMS 1-17 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) OVER U.S. PATENT (6,078,960) – BALLARD IN VIEW OF JP PATENT PUBLICATION (JP 3-233751) – KOKAI**

The rejection is respectfully traversed.

"Ballard" discloses a system related to client-side load-balancing in a client server network. In the system of "Ballard", the client server refers to a "LOAD BALANCE LIST" which indicates loading states in a plurality of servers connected to the client server network, and accesses data which is stored in each of the servers. A "LOAD BALANCE LIST" is updated at every time of data accessing.

"LOAD BALANCE LIST" samples are shown in FIGS. 4A-4B of "Ballard". According to the samples, it is submitted to be clear that a "LOAD BALANCE LIST" indicates only the loading states of the plurality of servers. Although "Ballard" discloses that "LOAD BALANCE LIST" is referred to when the server accesses to another server, it is submitted that "Ballard" does not disclose "measuring operating time of each of a plurality of information apparatuses", as performed by the present invention and as recited in the pending claims.

On the other hand, the Examiner states that "Ballard" discloses "determining rotation candidates among said plurality of information apparatuses and sending information

Docket No.: 122.1435

Serial No. 09/772,919

apparatuses rotation messages to said rotation candidates" as in the present invention. However, in the system of "Ballard", the client refers to the "LOAD BALANCE LIST" and executes only accessing to the server, selected from the "LOAD BALANCE LIST". Since the "Ballard" system does not execute rotating between servers connected to the network, sending rotation messages to the rotation candidates is not necessary in "Ballard" -- supporting applicants' contention that "rotation", as in the present invention, is not taught by "Ballard".

Additionally, in the system of "Ballard", since measuring operating time of each of a plurality of servers is not executed, consequently, rotation candidates among servers cannot be determined, based on accumulated operating times of the respective servers, with a view to equalizing the accumulated operating times of the respective servers.

Since the rotation among servers is not executed in the system of "Ballard", a "backup unit for backup processing data stored in the rotation candidate information apparatuses in accordance with the messages" likewise is not necessary - - and, it follows, is not performed in the system of "Ballard".

Therefore, it is respectfully submitted that the "Ballard" system differs from the operating system of the present invention and, further, that the pending claims clearly, patentably distinguish thereover.

The reference to "Kokai" (relied upon in the rejections of claims 5 and 10) discloses an integrated control system for a multi-function terminal, collecting accumulating usage time of a plurality of terminal equipments. However, "Kokai" does not disclose "determining rotation candidates among said plurality of information apparatuses and sending information apparatuses rotation messages to said rotation candidates" and "backup processing data stored in the rotation candidate information apparatuses in accordance with the messages" in accordance with the present invention, as claimed herein.

Therefore, it is submitted that the control system described in "Kokai" differs from the operating system of the present invention and the pending claims patentably distinguish thereover.

## CONCLUSION

It is respectfully submitted that the pending claims distinguish patentably over the art and rejections of record.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Docket No.: 122.1435

Serial No. 09/772,919

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 30, 2005

By: 

H. J. Stas

Registration No. 22,010

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,

P.O. Box 1450, Alexandria, VA 22313-1450

on 11-30-, 2005

STAAS & HALSEY

By: 

Date: 11-30-05